

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Magistrate No.
03-00089-LPC

UNITED STATES OF AMERICA

v.

JOHN MELO
GREGORY WARREN

ORDER

October 14, 2003

COHEN, M.J.

The parties have proffered an Assented-To Motion of the Parties to Exclude Time (# 14). By the terms of that motion, the parties seek, among other things, to exclude time under the Speedy Trial Act between the filing of a complaint and the return of an indictment.

Insofar as the motion seeks an order of excludable time between the time when the government first moved for detention until the disposition of that motion (July 25, 2003, through August 19, 2003), the motion is allowed.

To the extent that the parties seek further excludable time pending the return of an indictment, the motion is denied without prejudice.

Although the reasons therefor clearly warrant the relief requested, this court does not have the authority to grant that latter relief. Under Section 6(c)(1) of the Plan for Prompt Disposition, Section II Statement of Time Limits Adopted by the Court and Procedures for Implementing Them, the relief sought by the parties must be resolved by the district judge currently assigned to the Miscellaneous Business Docket.¹ The Assented-To Motion of the Parties to Exclude Time (# 14) is accordingly returned to counsel for the respective parties to be refiled on the Miscellaneous Business Docket for that latter relief.

UNITED STATES MAGISTRATE JUDGE

¹ The rule, in its current form, states:

If the United States Attorney anticipates that an indictment or information will not be filed within the time limit set forth in section 3, he may file a written motion for a continuance with the judge assigned to the miscellaneous business docket.